

Article 17: Right to Pet Companionship

submitted by Paul Schlichtman – TMM Precinct 9

Last year, Arlington Town Meeting voted overwhelmingly (189-35) to create a MBTA Communities Overlay District that significantly exceeds the town's requirement for permitting multifamily transit-friendly residential units by right.

Arlington recognized the impact of the regional housing shortage on the marketplace when it voted to permit greater density along its transit corridor. Now we are asking Town Meeting to address another aspect of a stressed rental housing marketplace, in which families are being forced to choose between housing and their pet.

Article 17 seeks to establish a Right to Pet Companionship, which will curtail the ability of landlords to establish blanket no-pet policies. Article 17 balances the legal relationship between landlords and responsible pet owners. Pet owners will be held accountable for the actions of their pets, and property owners will retain the ability to prohibit problematic pets and recover costs associated with the presence of a companion animal.

The **Animal Rescue League of Boston**, the **Animal Legal Defense Fund**, and the **Massachusetts Society for the Prevention of Cruelty to Animals** support a positive vote on Article 17.



YES



NO

Article 17 FAQ:

Can I have a pet alligator?

No. No alligators, goats, or river otters. Article 17's definition of "Animal companion" is limited to an animal of the kind usually kept as a pet who resides and sleeps indoors, such as a dog, cat, rabbit, bird, fish, hamster, gerbil, or other animal who typically resides and sleeps indoors.

Can I have 20 cats?

No. Reasonable restrictions on the number of pets are allowed, based on the size of a housing unit. As currently written, the right to pet companionship does not extend to more than one dog or two cats.

Are there standards for pet owners?

Yes. Pets may be required to be sterilized and must be current on all vaccinations. Dogs will be required to be licensed. Pet owners will be required to comply with standards reasonably justified by noise, sanitation, or safety. Animal companions shall be cared for in accordance with applicable State and local public health, animal control, and animal anti-cruelty laws and regulations.

Are there exemptions?

Yes. This bylaw will not extend to the rental of a room in a home, the rental of an accessory dwelling unit, or the rental of a unit in a two-family or three-family home when the owner occupies another unit in that building.

What about allergies?

While companion animals spend most or all of their time in the housing unit of pet owners, and animals spend minimal time in common areas, we recognize that there may be circumstances where the presence of an animal may cause suffering for an allergic neighbor. The bylaw will permit property owners to petition the Board of Health for a waiver of the requirements if a legitimate, significant, and unavoidable hardship exists.

What about condominium associations?

While the first draft of the proposed bylaw included condominium associations, the proponents have consulted with legal counsel who advises that we should begin by focusing solely on rental units. As a result, **this bylaw will not apply to condominium associations.**

Who is liable for the companion animal?

The pet owner is liable for the actions of the pet. Pet owners can be required to maintain liability insurance covering injury to persons or property resulting from a companion animal.

Can a town enact this bylaw?

Town Meeting has the legal right to pass this Warrant Article. Town Counsel raised concerns about whether this bylaw will survive review by the Attorney General. Since the public hearing, we have worked with the MSPCA to perfect Article 17 and alleviate those concerns. Arlington would be the first Massachusetts municipality to enact a bylaw establishing a right to pet companionship. If we pass a bylaw, it must also be approved by the Massachusetts Attorney General before it takes effect.

It's not unusual for a town to chart a new legal path with a bylaw. In 2020, Brookline passed a "Tobacco-Free Generation Bylaw" that prohibited the sale of tobacco products to people born after January 1, 2000. This bylaw was upheld by the Attorney General, and later the Supreme Judicial Court.

In 2022, Arlington Town Meeting approved a bylaw that would have required all licensed pest control applicators to register with the Health Department and notify the town prior to applying second-generation anticoagulant rodenticides (SGARs). This proposed bylaw was rejected by the Attorney General's office, asserting that the proposed bylaw conflicts with state law. Arlington is now using the information gained from the Attorney General's decision to seek state legislation that would either apply to the entire state, or grant the town authority to enact the bylaw through a Home Rule Petition.

If we fail to approve this bylaw, restrictive "no pet" policies will continue to force families to choose between a beloved pet and housing. If we fail to enact this bylaw, families will continue to be forced to surrender beloved pets to shelters in order to obtain a rental unit.

If we approve this bylaw, we will pass an important new bylaw that will positively impact many Arlington residents and animals. We are confident Article 17 will survive Attorney General Review, but if parts of the bylaw are rejected, we will learn what additional steps we need to take to support loving relationships between families and pets.